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10 Attorneys for Defendant
11 WAYNE HAUZER

12
13 IN THE UNITED STATES DISTRICT COURT
14 FOR THE EASTERN DISTRICT OF CALIFORNIA

15 UNITED STATES OF AMERICA,) Case No. 2:22-CR-93-DAD
16)
17 Plaintiff,) **STIPULATION AND ORDER FOR PRE-PLEA**
18) **PRESENTENCE REPORT (CRIMINAL**
19 vs.) **HISTORY ONLY)**
20)
21 WAYNE HAUZER,) Date: March 14, 2023
22) Time: 9:30 A.M.
23 Defendant.) Judge: Hon. Dale A. Drozd
24 _____)

25 IT IS HEREBY STIPULATED and agreed by and between United States Attorney
26 Phillip A. Talbert, through Assistant United States Attorney Shelley Weger, counsel for Plaintiff,
27 and Federal Defender Heather Williams, through Assistant Federal Defender Christina Sinha,
28 counsel for Mr. Hauzer, that a pre-plea presentence report containing probation's calculation of
Mr. Hauzer's criminal history would be appropriate in this matter, and respectfully request the
Court to order probation to produce such a report. The parties specifically stipulate as follows:

1. This matter is currently set for a status conference on March 14, 2023. ECF No.
2. 32.
2. To assist the defendant in deciding how to proceed in this matter, the parties
request that probation be authorized to calculate the defendant's criminal history
score in advance of any resolution to this matter. A criminal history score
calculation will provide the defendant with greater certainty of the potential

1 sentencing guideline range applicable to this case.

- 2 3. Based on the information set forth in the defendant's criminal history, the parties
3 are uncertain about how the defendant's prior convictions will score under the
4 various factors listed in U.S.S.G. § 4A1.1 and whether certain of the defendant's
5 prior sentences will be counted separately or treated as a single sentence under
6 U.S.S.G. § 4A1.2(a)(2).
- 7 4. Given Mr. Hauzer's age and the significant amount of time he is facing, a higher
8 Criminal History Category would lead to what Mr. Hauzer considers to be an
9 extremely significant difference in sentencing exposure. Advance knowledge of
10 probation's calculation of the Criminal History that applies in this case could lead
11 to a negotiated resolution that would save the parties from unnecessarily
12 burdening the Court's trial calendar.
- 13 4. The parties request that probation provide the parties with Mr. Hauzer's criminal
14 history score as soon as practical, but no later than April 1, 2023.
- 15 5. The parties have conferred with probation, which is amendable to the request and
16 the above time frame, but conveyed that their office would require an order from
17 the Court before commencing work on the report.
- 18 6. Therefore, the parties respectfully request the Court to order probation to prepare
19 a pre-plea presentence report that includes Mr. Hauzer's criminal history
20 calculation only.

21 *The remainder of this page is intentionally blank. Signatures follow immediately.*

1 Respectfully submitted,

2 HEATHER E. WILLIAMS
3 Federal Defender

4 Date: February 24, 2023

5 /s/ Christina Sinha
6 CHRISTINA SINHA
7 Assistant Federal Defender
8 Attorneys for Defendant
9 WAYNE HAUZER

10 Date: February 24, 2023

11 PHILLIP A. TALBERT
12 United States Attorney

13 /s/ Shelley Weger
14 SHELLEY WEGER
15 Assistant United States Attorney
16 Attorneys for Plaintiff

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ORDER

The Court, having received and considered the parties' stipulation, and good cause appearing therefrom, adopts the parties' stipulation in its entirety as its order.

It is ORDERED that Probation shall prepare a pre-plea criminal history calculation in this case. This calculation should be completed by probation as soon as practical, but by no later than April 1, 2023. Probation shall disclose a copy to the defendant's counsel and the United States upon completion.

IT IS SO ORDERED.

Dated: February 27, 2023

Dale A. Droyd
UNITED STATES DISTRICT JUDGE